



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF H-G-USA, INC.

DATE: NOV. 3, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a provider of logistics and transportation services, seeks to permanently employ the Beneficiary as a research analyst. It requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant category. *See* Immigration and Nationality Act (the Act) section 203(b)(2)(A), 8 U.S.C. § 1153(b)(2)(A). This classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

On January 30, 2015, the Director, Texas Service Center, denied the petition. On October 20, 2015, he also denied the Petitioner's motion to reconsider. The Director concluded that the record did not establish the Beneficiary's qualifications for the offered position, the Petitioner's ability to pay the proffered wage, or the *bona fides* of the job offer.

The matter is now before us on appeal. The Petitioner asserts that the Director misapplied the law. Upon *de novo* review, we will sustain the appeal.

The record on appeal, including the Petitioner's response to our notice of intent to dismiss of June 8, 2016, establishes the Beneficiary's qualifications for the offered position, the Petitioner's ability to pay the proffered wage, and the *bona fides* of the job offer. The record otherwise establishes the eligibility of the Petitioner and the Beneficiary for the requested benefit. We will therefore withdraw the Director's decision and sustain the appeal.

ORDER: The appeal is sustained.

Cite as *Matter of H-G-USA, Inc.*, ID# 113256 (AAO Nov. 3, 2016)